Remarks

Claims 1-11, 13-14, 16-22 and 25-27 are currently pending in the Application.

35 U.S.C. §112, second paragraph, rejection

Claims 1, 22 and 25-27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

According to the Examiner, the meters and bounds of the term "generating a response accordingly" as recited in Claims 1, 22 and 25-27 cannot be determined from the language of the claims because it is unclear what the response is generated according to.

Applicants submit that the Examiner has **not** established a *prima facie* case of claims being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants note that

> "Definiteness of claim language must be analyzed, not in a vacuum, but in light of: A) The content of the particular application disclosure; B) The teachings of the prior art; and C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." See MPEP §2173.02.

Applicants submit that the Examiner has **not**, at least, analyzed the definiteness of Claims 1, 22 and 25-27 language in light of the content of the specification.

"In rejecting a claim under the second paragraph of 35 U.S.C. 112, it is incumbent on the Examiner to established that one of ordinary skill in the pertinent art, when reading the claims in light of the supporting specification, would not have been able to ascertain with a reasonable degree of precision and particularity the particular area set out and circumscribed by the claims." See Ex parte Wu, 10 USPQ2d 2031, 2033 (B.P.A.I. 1989).

Applicants note that the Examiner has not fully considered, by way of an example and not of limitation, page 9 of the specification. Applicants submit that one of ordinary skill in the pertinent art, when reading the Claims 1, 22 and 25-27 in light of page 9 of the specification, would have been able to ascertain the definition of the term "non-operable" as recited in Claims 1, 22 and 25-27 with a reasonable degree of precision and particularity. According to the specification

> "Referring to FIG. 2, the push operation 34 has now placed the message in the channel 28 within the predetermined time-out period from the pull operation 29'. The second channel adapter servlet 23 receives the notification 35 and acts to pull the message from the channel 28. **The second channel adapter servlet 23a then transmits a standard response to the HTTP GET request 36, including at least the content information of the message 32.** In this example, the receiver module 19 then transmits a new event notification 37 to the call back module 21, including the message content information as part of the argument as part of the new event notification 37. In this example, the second receiver module 19 then transmits a new HTTP GET request 27", the second channel adapter servlet 23a then transmits a further pull request 29" and the cycle continues" (emphasis added). See page 9, lines 18-29 of the specification.

Applicants submit that one skilled in the art when reading "generating a response accordingly" as recited in Claims 1, 22 and 25-27 in light of page 9 of the specification would able to determine that the response may be generated according to the "content information" as recited in Claims 1, 22 and 25-27.

Applicants submit that the Examiner has **not**, at least, analyzed the definiteness of Claims 1, 22 and 25-27 language in light of the content of the specification. Hence the Examiner has **not** established a *prima facie* case of Claims 1, 22 and 25-27 being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention and Applicants respectfully request that the 35 U.S.C. § 112, second paragraph, rejection be withdrawn.

35 U.S.C. §101 rejection

Claims 1-11 and 20 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner asserts that Claims 1-11 and 20 are directed to a message broker comprising channel adapters that are not necessarily limited to being <u>tangibly embodied</u>. Applicants respectfully disagree.

Applicants submit that a word search of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility enclosed herein yielded no results that the features of the pending claims are to be limited to being "tangibly embodied" as asserted by the Examiner.

Contrary to the Examiner, as "set forth in the patent eligible subject matter interim guidelines, a practical application of a 35 U.S.C. Sec. 101 judicial exception is claimed if the claimed invention physically transforms an article or physical object to a different state or thing, or if the claimed invention otherwise produces a useful, concrete, and <u>tangible result</u>" (emphasis added), <u>not tangibly embodied</u>. See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility enclosed herein. Applicants submit that allowing transmission of a message from a first client system to a second client system is <u>a tangible result</u> that is produced by the claimed invention.

Because there is not requirement that the features of the pending claims are to be limited to being "tangibly embodied" as asserted by the Examiner, Applicants submit that Claims 1-11 and 20 are directed to statutory subject matter and respectfully request that the rejection be withdrawn.

35 U.S.C. §103(a) rejection in view of Postel and Myers

Claims 1, 3-4, 6, 17-18, 20-22 and 25-27 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Postel (RFC 788, Simple Mail Transfer Protocol, November 1981) and further in view of Myers (RFC 1939, Post Office Protocol-Version 3, May 1996). Applicants disagree with the Examiner's rejection.

Applicants submit that the Examiner has **not** established a *prima facie* case of obviousness for the claims rejected under 35 U.S.C. §103(a). Applicants note:

> "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure" (emphases added) *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants submit that a *prima facie* case of obviousness has not been established because the Examiner has failed to show that Postel and Myers teach each and every element as claimed in the present application. In particular:
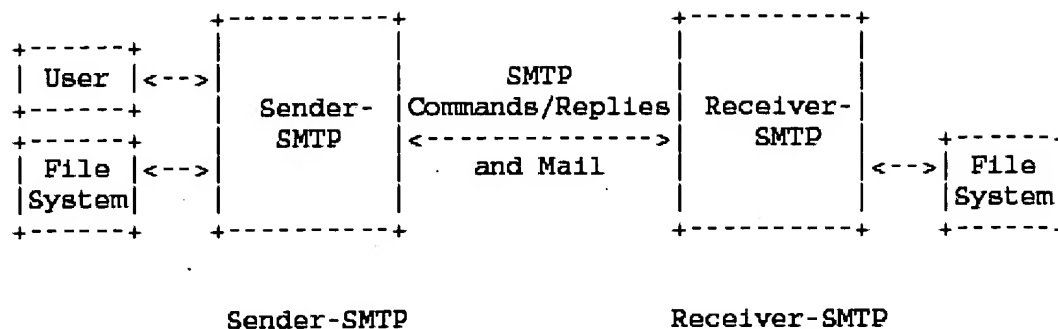
Claim 1
A. Applicants submit that the Examiner has <u>not</u> shown that Postel and Myers disclose, suggest or teach, *inter alia*, the following features recited by Claim 1 of the present application:

> "receive a message from the first client system ... comprising content information and destination information"

The Examiner asserts that the feature to "receive a message from the first client system ... comprising content information and destination information" as recited in Claim 1 is disclosed by Postel's pages 3, 17-18 and 20. See page 4, lines 2-5 of the Official Action. Applicants respectfully traverse the Examiner's assertion.

According to Postel's Figure 1 reproduced below, a sender-SMTP is able to communicate with a receiver-SMTP. See page 2 and Figure 1 of Postel.

```
        +----------+          +----------+
+------+ |          |          |          |
| User |<-->|         |  SMTP    |          |
+------+ | Sender- |Commands/Replies| Receiver-|
+------+ |  SMTP   |<--------------->|  SMTP    |        +------+
| File |<-->|         |   and Mail   |          |<-->| File |
|System|  |          |          |          |        |System|
+------+  +----------+          +----------+        +------+

        Sender-SMTP                 Receiver-SMTP
```

Model for SMTP Use

Figure 1

According to Postel's Example 1 of the SMTP procedures reproduced below, it takes
several messages between the sender-SMTP and the receiver-SMTP to send destination
information and data from the sender-SMTP to the receiver-SMTP.

```
              Example of the SMTP Procedure

  This SMTP example shows mail sent by Smith at host Alpha, to
  Jones, Green, and Brown at host Beta.  Here we assume that host
  Alpha contacts host Beta directly.

        S: MAIL FROM:<Smith@Alpha>
        R: 250 OK

        S: RCPT TO:<Jones@Beta>
        R: 250 OK

A       S: RCPT TO:<Green@Beta>
        R: 550 No such user here

        S: RCPT TO:<Brown@Beta>
        R: 250 OK

        S: DATA
        R: 354 Start mail input; end with <CRLF>.<CRLF>
        S: Blah blah blah...
B       S: ...etc. etc. etc.
        S: <CRLF>.<CRLF>
        R: 250 OK

  The mail has now been accepted for Jones and Brown.  Green did
  not have a mailbox at host Beta.

                         Example 1
```

According to the Example 1 reproduced above, a sender ("S") transmits a MAIL message containing sender's return information that can be used to report errors to the sender. See page 4, section 3.1 of Postel. If the MAIL message is accepted, the receiver-SMTP ("R") returns a message "250 OK." After receiving the "250 OK" message, the sender transmits RCPT messages "A," added above, identifying the recipients. If the RCPT message is accepted, the receiver-SMTP returns a message "250 OK," however, if the recipient is unknown, the receiver-SMTP returns a message "550 No such user here." See page 4, section 3.1 of Postel. After transmitting the destination information "A," the sender is able to transmit DATA message containing information "B," added above, to be sent to the receiver-SMTP. See page 5 of Postel.

As clearly seen by Postel's Example 1, the sender and the receiver-SMTP transmit and receive <u>multiple</u> messages between each other, wherein each message contains <u>different</u> information. Specifically, a message containing the destination information "A" does not contain any data "B" that is transmitted in a different message. Because Postel specifically teaches transmitting the destination information "A" and the data "B" in different messages, Postel does not teach, disclose or suggest "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 1.

Hence, Claim 1 is patentable over Postel and Myers and should be allowed by the Examiner. Claims 3-4, 6 and 20-21, at least based on their dependency on Claim 1, are also believed to be patentable over Postel and Myers.

B. Applicants submit that the Examiner has <u>not</u> shown that Postel and Myers disclose, suggest or teach, *inter alia*, the following features recited by Claim 1 of the present application:

"a first channel adapter and a second channel adapter"

Applicants submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) which states:

> "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes invention other than that claimed by Applicant, **the particular part relied on must be designated as nearly as practicable**. The pertinence, if not apparent, must be clearly explained and each rejected claim specified" (emphases added).

Applicants submit that the Examiner has failed to "designate as nearly as practicable" where either Postel or Myers disclose "a first channel adapter" and "a second channel adapter" as recited in Claim 1. If the Examiner is unable to "designate as nearly as practicable" where either Postel or Myers disclose "a first channel adapter" and "a second channel adapter" as recited in Claim 1, Applicants request that the rejection be withdrawn and Claim 1 be allowed.

Claim 22

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a message … comprising content information **and** destination information" (emphasis added) as recited in Claim 22. Hence, Claim 22 is patentable over Postel and Myers and should be allowed by the Examiner.

Claim 25

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a first channel adapter and a second channel adapter" and "a message … comprising content information **and** destination information" (emphasis added) as recited in Claim 25. Hence, Claim 25 is patentable over Postel and Myers and should be allowed by the Examiner.

Claim 26

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a first channel adapter and a second channel adapter" and "a message … comprising content information **and** destination information"

(emphasis added) as recited in Claim 26. Hence, Claim 26 is patentable over Postel and Myers and should be allowed by the Examiner. Claims 17-18, at least based on their dependency on Claim 26, are also believed to be patentable over Postel and Myers.

Claim 27

Applicants submit that, at least for the reasons stated above for Claim 1, Postel and Myers do not teach, disclose or suggest "a first channel adapter and a second channel adapter" and "a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 27. Hence, Claim 27 is patentable over Postel and Myers and should be allowed by the Examiner.

35 U.S.C. §103(a) rejection in view of Eggleston, Postel and Myers

Claims 1, 2, 16 and 26 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Eggleston (U.S. Patent No. 5,771,353) in view of Postel and further in view of Myers. Applicants disagree with the Examiner's rejection.

Applicants submit that a *prima facie* case of obviousness has not been established because the Examiner has failed to show that Eggleston, Postel and Myers teach each and every element as claimed in the present application. In particular:

Claim 1
The Examiner has conceded that Eggleston does not teach, disclose or suggest how email ends up in the user's mail box. See page 6, second paragraph of the Office Action. The Examiner uses Postel to supplement Eggleston and to show how email ends up in the user's mail box. See page 6, third paragraph of the Office Action.

Because Postel specifically teaches transmitting the destination information "A" and the data "B" in different messages as shown above and because Eggleston and Mayers do not disclose how email ends up in the user's mail box, Eggleston, Postel and Mayers do not teach, disclose or suggest "a message comprising content information **and** destination information" (emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Eggleston, Postel and Myers and should be allowed by the Examiner. Claim 2, at least based on its dependency on Claim 1, is also believed to be patentable over Eggleston,

Postel and Myers.

Claim 26

Applicants submit that, at least for the reasons stated above for Claim 1, Eggleston, Postel and Myers do not teach, disclose or suggest ""a message ... comprising content information **and** destination information" (emphasis added) as recited in Claim 26. Hence, Claim 26 is patentable over Eggleston, Postel and Myers and should be allowed by the Examiner. Claim 16, at least based on its dependency on Claim 26, is also believed to be patentable over Eggleston, Postel and Myers.

35 U.S.C. §103(a) rejection in view of Postel, Myers and Birrell

Claims 5, 13-14 and 19 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Postel, Myers and further in view of Birrell (U.S. Patent No. 6,029,164). Claims 7-11 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Postel and Myers. Applicants disagree with the Examiner's rejection.

Claims 5, 13-14 and 19

Applicants submit that Claims 5, 13-14 and 19, at least based on their dependency on Claims 1, 25 and 26, respectively, are believed to be patentable over Postel, Myers and Birrell, because there is no prima facie 35 USC 103(a) case based on Postel and Myers, as shown above, and because the Examiner has not shown where Birrell discloses, teaches or suggests the features not found in Postel and Myers.

Claims 7-11

Applicants submit that Claims 7-11, at least based on their dependency on Claim 1, are believed to be patentable over Postel and Myers, because there is no prima facie 35 USC 103(a) case based on Postel and Myers, as shown above.

35 U.S.C. §103(a) rejection in view of Postel, Myers and Cobb

Claim 18 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Postel, Myers and further in view of Cobb (U.S. Patent No. 6,199,102). Applicants disagree with the Examiner's rejection.

Claim 18

Applicants submit that Claim 18, at least based on its dependency on Claim 26, is believed to be patentable over Postel, Myers and Cobb, because there is no prima facie 35 USC 103(a) case based on Postel and Myers, as shown above, and because the Examiner has not shown where Cobb discloses, teaches or suggests the features not found in Postel and Myers.

35 U.S.C. §103(a) rejection in view of Bavadekar and Leymann

Claims 1, 3-8, 13-14, 17-22 and 25-27 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Bavadekar (U.S. Publication No. 2003/0009571) and further in view of Leymann (Practitioners Approach to Data Federation). Applicants disagree with the Examiner's rejection.

Applicants submit that a *prima facie* case of obviousness has not been established because the Examiner has failed to show that Bavadekar and Leymann teach each and every element as claimed in the present application. In particular:

Claim 1

A. Applicants submit that the Examiner has <u>not</u> shown that Bavadekar and Leymann disclose, suggest or teach, *inter alia*, the following features recited by Claim 1 of the present application:

"a first channel adapter and a second channel adapter"

Applicants submit that the Examiner failed to comply with 37 C.F.R. §1.104(c)(2) by not designating "as nearly as practicable" where either Bavadekar or Leymann disclose "a first channel adapter" and "a second channel adapter" as recited in Claim 1. If the Examiner is unable to "designate as nearly as practicable" where either Bavadekar or Leymann disclose "a first channel adapter" and "a second channel adapter" as recited in Claim 1, Applicants request that the rejection be withdrawn and Claim 1 be allowed.

B. Applicants submit that the Examiner has <u>not</u> shown that Bavadekar and Leymann disclose, suggest or teach, *inter alia,* the following features recited by Claim 1 of the present application:

> "read the destination information from the message, and send a push request to **place the message in a message channel** corresponding to the destination information, the second channel adapter being operable to; receive a message request from the second client system encoded in an Internet protocol and comprising source information read the message request and identify a message channel corresponding to the source information, **send a pull request to the message channel**"

The Examiner asserts that the "channel" as recited in Claim 1 is disclosed by Leymann's queues. See line 4 from the bottom of the page 8 of the Official Action. Applicants respectfully traverse the Examiner's assertion.

In Figure 4 reproduced below, Leyman shows communication between two entities that require <u>two</u> queues. Program P1 puts a message into Queue 1 referred to as the <transmission queue>. A "mover" of Message Queue Manager MQM1 then sends the message through a "channel" to a second "mover" on Message Queue Manager 2 that places the message in a <target queue>. The program P2 retrieves the message from this target queue. Consequently, by combining Bavadekar with Laymann, one skilled in the art would obtain a messaging server "100A" containing <u>two</u> queues, i.e. a <transmission queue> and a <target queue>, wherein the message from program P1 would be put into the <transmission queue> and retrieved from the <target queue>, <u>not</u> the <transmission queue>, by the program P2.
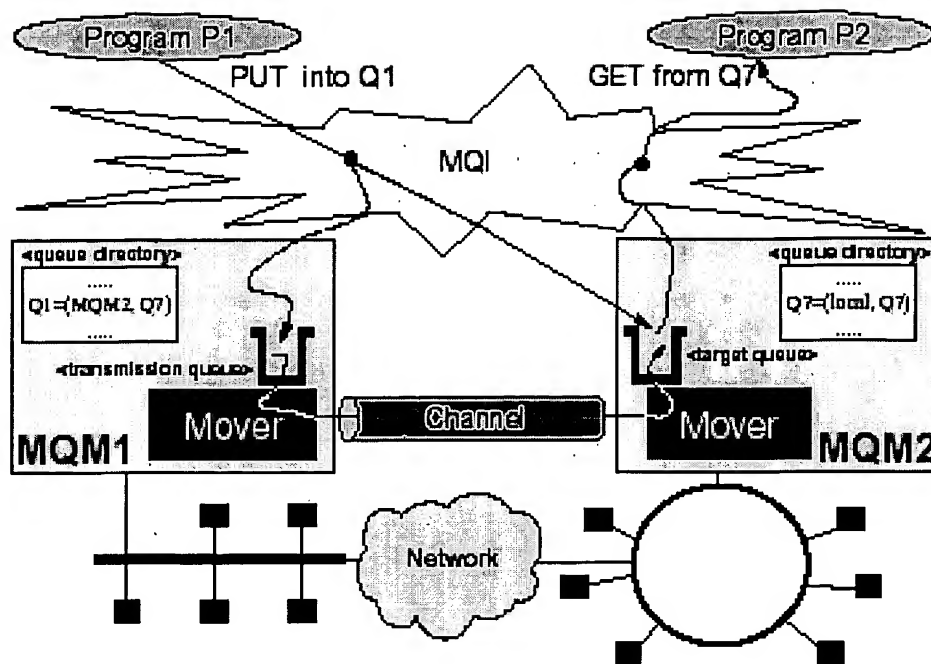
Figure 4: Plumbing Underlying Message Delivery

Contrary to the teachings of Laymann, Claim 1 recites sending "a push request to place the message in **a message channel**" and sending "a pull request to **the message channel**." Because combination of Bavadekar and Laymann would produce a messaging server "100A" containing two queues, one for placing messages and another for retrieving messages, the combination of Bavadekar and Laymann does not teach, disclose or suggest "send a push request to place the message in **a message channel**" and "send a pull request to **the message channel**" (emphasis added) as recited in Claim 1. Hence, Claim 1 is patentable over Bavadekar and Laymann and should be allowed by the Examiner. Claims 3-8 and 20-21, at least based on their dependency on Claim 1, are also believed to be patentable over Bavadekar and Laymann.

Claim 22

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "sending a push request to place the content information in **a message channel** ...sending a pull request to **the message channel**" (emphasis added) as recited in Claim 22. Hence, Claim 22 is patentable over Bavadekar and Laymann and should be allowed by the Examiner.

Claim 25

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "a first channel adapter and a second channel adapter " and "sending a push request to place the content information in **a message channel** …sending a pull request to **the message channel**" (emphasis added) as recited in Claim 25. Hence, Claim 25 is patentable over Bavadekar and Laymann and should be allowed by the Examiner. Claims 13-14, at least based on their dependency on Claim 25, are also believed to be patentable over Bavadekar and Laymann.

Claim 26

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "a first channel adapter and a second channel adapter " and "send a push request to place the message in **a message channel** … send a pull request to **the message channel**" (emphasis added) as recited in Claim 26. Hence, Claim 26 is patentable over Bavadekar and Laymann and should be allowed by the Examiner. Claims 17-19, at least based on their dependency on Claim 26, are also believed to be patentable over Bavadekar and Laymann.

Claim 27

Applicants submit that, at least for the reasons stated above for Claim 1, Bavadekar and Laymann do not teach, disclose or suggest "a first channel adapter and a second channel adapter " and "send a push request to place the message in **a message channel** … send a pull request to **the message channel**" (emphasis added) as recited in Claim 27. Hence, Claim 27 is patentable over Bavadekar and Laymann and should be allowed by the Examiner.

35 U.S.C. §103(a) rejection in view of Bavadekar, Leymann and Eggleston

Claims 2 and 16 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Bavadekar, Leymann and further in view of Eggleston. Applicants disagree with the Examiner's rejection.

Applicants submit that Claims 2 and 16, at least based on their dependency on Claims 1 and 26, respectively, are believed to be patentable over Bavadekar, Leymann and

Eggleston, because there is no prima facie 35 USC 103(a) case based on Bavadekar and Leymann, as shown above, and because the Examiner has not shown where Eggleston discloses, teaches or suggests the features not found in Bavadekar and Leymann.

35 U.S.C. §103(a) rejection in view of Bavadekar, Leymann and Colyer

Claims 9-11 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Bavadekar, Leymann and further in view of Colyer. Applicants disagree with the Examiner's rejection.

Applicants submit that Claims 9-11, at least based on their dependency on Claim 1, are believed to be patentable over Bavadekar, Leymann and Colyer, because there is no prima facie 35 USC 103(a) case based on Bavadekar and Leymann, as shown above, and because the Examiner has not shown where Colyer discloses, teaches or suggests the features not found in Bavadekar and Leymann.
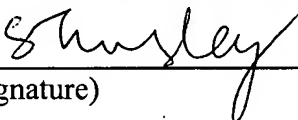
Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on
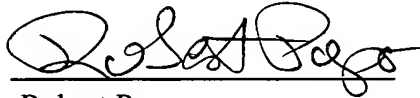
June 29, 2006
(Date of Deposit)

Shannon Tinsley
(Name of Person Signing)

(Signature)

June 29, 2006
(Date)

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